



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Erie County
0322020256
Erie Materials, Inc.
Stack Test
HPV-GC8
Notice of Violation (NOV)

December 19, 2011

CERTIFIED MAIL

Mr. Bob Boehk
Erie Materials, Inc.
4507 Tiffin Road
Sandusky, Ohio 44870

Dear Mr. Boehk:

The stack test conducted on September 13, 2011, on Ohio EPA emissions unit No. P901 (Drum Mix Asphalt Plant), located at 9920 Portland Road, Castalia, has been reviewed. The test was conducted while burning natural gas and using approximately 65% virgin aggregate, 20% RAP and 15% natural sand. The testing was conducted in conformance with Ohio EPA methods and procedures. Our review confirms the following reported data is accurate:

**Critical Test Data
(In Three Run Averages)**

Pollutant	Actual Emission Rate	Allowable Emission Rate	Source Operating Rate	Maximum Source Operating Rate ^a
PM	0.023 lb/ton asphalt	0.033 lb/ton asphalt	363.3 TPH	400 TPH
SO ₂	0.0049 lb/ton asphalt	0.0034 lb/ton asphalt	363.3 TPH	400 TPH
CO	0.23 lb/ton asphalt	0.15 lb/ton asphalt	363.3 TPH	400 TPH
NO _x	0.028 lb/ton asphalt	0.026 lb/ton asphalt	363.3 TPH	400 TPH
VOC	0.34 lb/ton asphalt	0.10 lb/ton asphalt	363.3 TPH	400 TPH

A baghouse pressure drop of 4.5 inches of water was recorded during the test.

^a Maximum Source Operating Rate (MSOR) is defined as the condition that is most likely to challenge the emission control measures with regards to meeting the applicable emission standard(s). Although it generally consists of operating the emissions unit at its maximum material input/production rates and results in the highest emission rate of the tested pollutant, there may be circumstances where a lower emissions loading is deemed the most challenging control scenario. Failure to test at the MSOR is justification for not accepting the test results as a demonstration of compliance.

The emissions unit was being operated in violation of its allowable emissions rates for SO₂, CO, NO_x, and VOC. These limits were established in Permit to Install and Operate (PTIO) P0105371, issued July, 14, 2010 and exceedances of these limits constitute violations of the PTIO term and condition (C)(1)(b)(1)(a), OAC rule 3745-31-05(A)(3), and ORC 3704.05).

In order to determine an appropriate course of action following this test failure, it is necessary to outline some of the testing and permitting history of this unit. On February 24, 2009, a consent order (case# 2006-CV-1028) was finalized which cited Erie Materials Inc. (Erie) for failing to obtain a TV or synthetic minor permit. To fulfill requirements cited in the consent order the company conducted a stack test on August 11, 2009. The test documented exceedances of emissions limitations for VOC, NO_x, and CO (see October 8, 2009 NOV). In order to address the testing exceedances, and the consent order, Erie conducted testing on July 21, 2010. The test documented an exceedance of the emissions limitation for VOC (see November 2, 2010 NOV).

On August 15, 2011, NWDO, DAPC received a supplemental Best Available Control Technology (BACT) analysis from Erie which requested increased permit emissions limitations for CO, NO_x, OC and PE. The BACT analysis was under review by this office when the company conducted the testing event on September 13, 2011, which is reviewed above. This testing was conducted to address the previous testing exceedances and the consent order. As indicated above, the test documented exceedances of emissions limitations for SO₂, VOC, NO_x and CO. In addition, the CO and VOC concentrations were higher than the proposed limits included in the BACT analysis.

Based on this information the BACT analysis and proposed revisions cannot be supported and are not viable resolutions to violations incurred. At this time, Ohio EPA is returning the supplemental BACT analysis dated August 12, 2011.

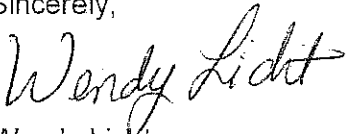
Regarding the test failure, this office is requesting that Erie submit a written response to this letter which includes, at a minimum, a compliance plan and schedule for addressing the emission limit violations and bringing this unit back into compliance. The facility is required to submit this information by no later than **January 31, 2012**. Please note that the submission of the requested information to respond to this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

In addition, please be aware that, if in the future, Erie Materials decides to run a design mix that would produce a higher level of emissions it will also be necessary to perform another stack test.

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Please contact me as soon as possible regarding this matter at (419) 373-3134. Thank you.

Sincerely,



Wendy Licht
Division of Air Pollution Control

/llr

Enclosure

pc: Wendy Licht, DAPC-NWDO
Mark Budge, DAPC-NWDO
Robert Teer, DAPC-NWDO
Tom Kalman, DAPC-CO
William MacDowell, US EPA, Region V
DAPC, NWDO Stack File
Follow-up File
Certified Mail Receipt Number 7009 1410 0001 1834 1279

ec: Jay Liebrecht, DAPC, NWDO
Robert Teer, DAPC, NWDO
Tom Sattler, DAPC, NWDO
Jennifer Jolliff, DAPC-NWDO
Wendy Licht, DAPC-NWDO